

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>IN RE:</b>	§	
	§	
<b>Stratco Operating Company, Inc.,</b>	§	<b>Case No. 10-13139-TMD</b>
	§	
<b>Debtor</b>	§	<b>Chapter 7</b>

**Motion to Sell a Working Interest in Eddy County,  
New Mexico to COG Operating LLC Free and Clear of Liens**

TO THE DEBTOR, ITS CREDITORS AND ALL OTHER PARTIES IN INTEREST:

**This pleading requests relief which may be adverse to your interests.**

**If no timely response is filed within 21 days from the date of service, the relief requested herein may be granted without a hearing being held.**

**A timely response is necessary for a hearing to be held.**

John Patrick Lowe, the Trustee in this case, makes and files this Motion, and in support of it respectfully represents to the Court as follows:

1.

Movant is the Trustee in this Chapter 7 proceeding. The case was commenced on November 3, 2010 as a Chapter 7 proceeding. An array of assets which hadn't been disclosed in the Debtor's Schedules were administered, that is, liquidated. The Trustee's Final Report Before Distribution was approved. Distributions were made. The case was closed on October 29, 2014. But the case was reopened on November 4, 2015 to administer an unscheduled asset. That asset, too, was liquidated. Another Final Report was approved. Another distribution was made. The case was closed again on November 2, 2016. But the case was reopened again on July 14, 2017

in order to administer yet another unscheduled asset. The Trustee's Motion to sell that asset, a working interest in Pecos County, Texas, is pending and will be heard by the Court on September 5, 2017. This Motion is filed by right of 11 United States Code §§ 363 and 704, Federal Rule of Bankruptcy Procedure 6004 and Local Rule 6004.

2.

Another unscheduled asset, a working interest in Eddy County, New Mexico, has appeared. That George Harrison song, All Things Must Pass, comes to mind. The Trustee moves for leave to sell that asset to COG Operating LLC for the amount of \$5,000.00. As further consideration the Trustee will retain an overriding royalty interest. A copy of the proposed Term Partial Assignment of Oil and Gas Lease is attached to this Motion as Exhibit "A".

3.

The Trustee moves the sale of this asset, legally described as located in Township 17 South, Range 28 East, Section 23: SE/4SW/4, containing 40 acres, more or less, in Eddy County, New Mexico to COG Operating LLC, One Concho Center, 600 West Illinois, Midland, Texas 79701, for the amount of \$5,000.00. The sale should be free and clear of any and all liens, claims, security interests and encumbrances, if any, with all of those matters, if any, to attach to the sales proceeds.

4.

The sale should also be without any warranties and without recourse against the Trustee or the bankruptcy estate.

5.

The Trustee estimates that the proposed sale will not create a federal income tax liability for the bankruptcy estate.

6.

There are no broker's fees or commission in the proposed sale.

7.

The Trustee also moves for leave to execute, acknowledge and deliver any instrument, such as an assignment, or record necessary to consummate or memorialize the proposed sale.

8.

Any party in interest might make a higher offer for the asset described in this Motion provided that a timely responsive pleading is filed to this Motion in the case. Or provided that the higher offer or bid is sent to the Trustee in time to enable the Trustee to file a timely response to this Motion.

9.

If a timely higher offer is made, the Trustee's Motion will be set for an actual hearing before the Court. At that hearing the Court will authorize and direct the Trustee to sell the subject working interest in Eddy County, New Mexico to the highest bidder.

10.

The Trustee also moves that the Court terminate the stay of Federal Rule of Bankruptcy Procedure 6004(h).

WHEREFORE, premises considered, the Trustee requests that the Court enter an Order granting this Motion, and for such other and further relief, at law or in equity, as to which he may

be justly entitled.

DATED: August 31, 2017.

Respectfully submitted,

  
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**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing Motion to Sell a Working Interest in Eddy County, New Mexico to COG Operating LLC Free and Clear of Liens, and the proposed Order, have been served on the parties on the attached Service List and Oil & Gas Interest Service List, by the CM/ECF system; by First Class mail, postage prepaid; or by electronic mail within 2 days of the electronic filing of this Motion on this the 28 day of August 2017.



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Patrick Lowe